IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CLEODIS BASSETTE,

Plaintiff,

v.

VILLAGE OF ADDISON, DET. S. BJES (Star # 367) and DET. D. ALAIMO (Star #374) of the ADDISON POLICE DEPARTMENT, VILLAGE of BENSENVILLE, SGT. E ZODROW of the BENSENVILLE POLICE DEPARTMENT, and OTHER UNKNOWN POLICE OFFICERS,

Defendants.

No. 15-cv-6692

Judge Matthew F. Kennelly

NOTICE OF MOTION

TO: See Attached Certificate of Service

PLEASE TAKE NOTICE that on **Thursday, December 1, 2016 at 9:30 am.**, or as soon thereafter as counsel may be heard, we shall appear before the Honorable Matthew F. Kennelly, or any other judge sitting in his stead, in Room 2103 of the United States District Court, Northern District of Illinois, Chicago, Illinois, and shall then and there present **Plaintiff's Motion to Enjoin**, a copy of which is attached hereto.

Dated: November 28, 2016

Respectfully submitted,

CLEODIS BASSETTE

By: /s/ Jeffery M. Cross
One of Plaintiff's Attorneys

Jeffery M. Cross (A.R.D.C. No. 0547980)
Emily J. Stine (A.R.D.C. No. 6307906)
FREEBORN & PETERS LLP
311 S. Wacker Drive, Suite 3000
Chicago, Illinois 60606
T: (312) 360-6000
F: (312) 360-6520
jcross@freeborn.com

estine@freeborn.com

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CLEODIS BASSETTE, Plaintiff, v. VILLAGE OF ADDISON, DET. S. BJES (Star # 367) and DET. D. ALAIMO (Star #374) of the ADDISON POLICE DEPARTMENT, VILLAGE of BENSENVILLE, SGT. E ZODROW of the BENSENVILLE POLICE DEPARTMENT, and OTHER UNKNOWN POLICE OFFICERS, Defendants.	No. 15-cv-6692 Judge Matthew F. Kennelly

PLAINTIFF'S MOTION TO ENJOIN THE VILLAGE OF ADDISON FROM IMPROPERLY INTERFERING WITH THIS LITIGATION BY CAUSING A SUSPENSION OF PLAINTIFF'S DRIVER'S LICENSE

Plaintiff, CLEODIS BASSETTE, by and through his attorneys, Freeborn & Peters LLP, moves to enjoin the Village of Addison from improperly interfering with this litigation by causing a suspension of plaintiff's driver's license. The result of this discretionary conduct on the part of the Village of Addison is to put improper pressure on plaintiff to settle this case prematurely before full discovery and not based upon plaintiff's assessment of the merits of the case. Plaintiff needs to drive to help take care of his four children but is unable to afford to pay the parking and compliance tickets that form the basis of the Village of Addison's discretionary request to the Secretary of State to suspend the license.

In further support of this motion, plaintiff states:

1. This litigation arises from a false arrest and use of unnecessary force by police officers employed by the Village of Addison at the College Park Apartments in Addison on August 1, 2013.

2. Plaintiff had been attending a barbecue in the backyard of one of the apartment complex buildings with his girlfriend, Chanel Boyd, three of plaintiff's and Ms. Boyd's children, all under the age of 10, and many friends and neighbors.

3. Since the August 1, 2013 incident, Ms. Boyd and the plaintiff have had a fourth child.

4. Ms. Boyd and plaintiff's children lived at the College Park Apartments at the time of the incident and continue to live there today.

5. The false arrest and use of unnecessary force took place in full view of Ms. Boyd, plaintiff's children, and many people attending the barbecue.

6. Plaintiff has testified that he sustained both physical and mental injuries because of the false arrest and use of unnecessary force, and that his children have suffered nightmares.

7. Three of the four charges resulting from the arrest were subject to a nolle prosecui motion by the State's Attorney the morning of the jury trial of the fourth charge – a charge of resisting arrest involving Village of Addison police officer Stephan Bjes.

8. The resisting arrest charge brought by Officer Bjes went to a jury on September 21, 2015. Officer Bjes and three of the bystanders at the barbecue, including Ms. Boyd, testified at the trial. The jury acquitted the plaintiff of the resisting arrest charge.

9. Such acquittal forms the basis for the malicious prosecution count in plaintiff's amended complaint.

10. Since the August 1, 2013 incident, plaintiff has been unable to work because of injuries sustained during the arrest.

11. Until recently, Ms. Boyd has also been unable to work because of her need to care for the four children. (Ms. Boyd has subsequently found employment). Ms. Boyd has also needed the assistance of plaintiff to care for the children.

12. At various times since 2013, plaintiff has been off and on a ban list preventing his presence at the College Park Apartments where Ms. Boyd and his four children live allegedly because of prior arrests and convictions unrelated to the apartment complex.

13. Since at least January 22, 2016 the plaintiff has been banned from the apartment complex because of prior arrests and convictions unrelated to the apartment complex.

14. This ban has forced the plaintiff to have to wait in his car outside of the apartment complex to take the children with him so that Ms. Boyd can run errands or, in the alternative, to enable the plaintiff to run errands for Ms. Boyd himself.

15. Since the litigation commenced on July 31, 2015, the Village of Addison has issued to plaintiff 48 parking, village sticker, or state license tickets resulting in fines of $12,000.

16. Several tickets for "parking" between the hours of 2 am and 5 am on the street outside of the College Park Apartment complex were written at the same time as plaintiff was sitting in his car.

17. At the same time that it was issuing the overnight parking ban tickets, the Village of Addison police would issue tickets for expired license plates, and the failure to properly display a Village of Addison sticker. This practice of issuing multiple tickets at the same time has resulted in the fines due and owing the village, as well as the number of tickets issued, growing significantly. A copy of the Village of Addison Violation Listing is attached as Exhibit A.

18. Plaintiff is unable to pay these fines as he is unemployed and has no source of income.

19. Pursuant to the Illinois Vehicle Code, 625 ILCS 5/11-208, such unpaid fines are a debt due and owing the Village of Addison.

20. Sometime on or after August 4, 2016, the Village of Addison caused a notice to be sent to the Illinois Secretary of State's office pursuant to the Illinois Vehicle Code. This notice to the Secretary of State caused plaintiff's driver's license to be suspended pursuant to the Illinois Driver Licensing Law, 625 ILCS 6-306.5, where ten or more parking or compliance citations have been issued. A copy of the Village of Addison's notice to the Illinois Secretary of State is attached as Exhibit B.

21. The action by the Village of Addison in so notifying the Illinois Secretary of State and thereby causing the suspension of plaintiff's driver's license is discretionary and not mandatory. See 625 ILCS 5/11-208.3(b)(5).

22. The Village of Addison is well-aware that plaintiff cannot pay these fines and that he needs to be able to drive to care for his four children.

23. The Village of Addison's discretionary action improperly interferes with the pending litigation by putting undue pressure on plaintiff to settle, not because of the plaintiff's assessment of the merits of the case, but in order to pay these fines and to return to driving in order to care for his children.

24. The fines remain a debt due and owing the Village of Addison even if it were to withdraw its notice to the Secretary of State that caused the suspension.

NOW THEREFORE, plaintiff respectfully requests that this Court enjoin the Village of Addison from suspending plaintiff's driver's license.

Dated: November 28, 2016

Respectfully Submitted,

CLEODIS BASSETTE

By: /s/ Jeffery M. Cross
One of His Attorneys

Jeffery M. Cross (A.R.D.C. No. 0547980)
Emily J. Stine (A.R.D.C. No. 6307906)
FREEBORN & PETERS LLP
311 S. Wacker Drive, Suite 3000
Chicago, Illinois 60606
T: (312) 360-6000
F: (312) 360-6520
jcross@freeborn.com
estine@freeborn.com

CERTIFICATE OF SERVICE

The undersigned, being an attorney for Plaintiff, hereby certifies that he caused a copy of the foregoing **Motion to Enjoin** and to be served on all parties of record via the CM/ECF filing system, this November 28, 2016:

Paul Alan Rettberg
Brandon K. Lemley
Querrey & Harrow, Ltd.
175 W. Jackson Blvd., Suite 1600
Chicago, IL 60604
prettberg@querrey.com
blemley@querrey.com

Mary A. Johnston
Matthew S. Clark
William W. Kurnik
Knight, Hoppe, Kurnik & Knight LLC
5600 N. River Rd., Suite 600
Rosemont, IL 60018
mjohnston@khkklaw.com
mclark@khkklaw.com
bkurnik@khkklaw.com

/s/ Jeffery M. Cross
One of Plaintiff's Attorneys

CERTIFICATE OF SERVICE

The undersigned, being an attorney for Plaintiff, hereby certifies that he caused a copy of the foregoing **Notice of Motion** to be served on all parties of record via the CM/ECF filing system, this November 28, 2016:

Paul Alan Rettberg
Brandon K. Lemley
Querrey & Harrow, Ltd.
175 W. Jackson Blvd., Suite 1600
Chicago, IL 60604
prettberg@querrey.com
blemley@querrey.com

Mary A. Johnston
Matthew S. Clark
William W. Kurnik
Knight, Hoppe, Kurnik & Knight LLC
5600 N. River Rd., Suite 600
Rosemont, IL 60018
mjohnston@khkklaw.com
mclark@khkklaw.com
bkurnik@khkklaw.com

/s/ Jeffery M. Cross
One of Plaintiff's Attorneys

3728013v1/99900-0601